

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: **Charles Otis**) Confirmation No: **1131**
Serial No.: **10/713,298**) Group Art Unit: **1725**
Filed: **November 14, 2003**)) Examiner: **Heinrich, Samuel M.**
For: **Laser Micromachining and Methods**)) Atty. Docket No.: **200309850-1**
of Same))

REPLY BRIEF RESPONSIVE TO EXAMINER'S ANSWER

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The Examiner's Answer mailed January 11, 2008 has been carefully considered.
In response thereto, please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 08-2025.

REMARKS

The Examiner has provided in the Examiner's Answer various responses to arguments contained in Applicants' Appeal Brief. Although the Examiner's Answer has added some additional remarks in response to Applicants' arguments, the substance of the rejections and the Examiner's positions have not changed. Accordingly, Applicants stand behind the arguments set forth in the Appeal Brief. In addition, Applicants address selected responses in the following.

With regard to independent claim 9, the Examiner argues that the recitation of "the first nozzle and at least the second different nozzle [being] selectively activated based upon the location of the laser interaction zone in the substrate" is intended use and not distinguishable from DE 4138468. See page 5. In response, Applicants respectfully reiterate that the claim recites functional limitations for the claimed apparatus, such as "wherein the first nozzle and at least the second different nozzle are selectively activated based upon the location of the laser interaction zone in the substrate," which are not taught or suggested by the cited art. Further, MPEP section 2173.05(g) clearly states that a "functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used." Accordingly, all of the limitations of claim 9, as an example, have not been shown by the Examiner to be disclosed by the cited art. For at least this reason, the rejection of claim 9 should be overturned.

The Examiner additionally states that Applicants' arguments directed to WO 03028943 A1 disclosing the use of one spray nozzle is not related to the reason that WO 03028943 A1 was applied in the rejection. See page 5. In response, Applicants note that its argument was made to show that WO 03028943 A1 discloses the use of only one spray nozzle and not a first and a second different nozzle as described in claim 9, as an example. Therefore, WO 03028943 A1 does not remedy the deficiencies of the DE 4138468 reference. Therefore, the proposed combination of DE 4138468 in view of WO 03028943 A1 also does not teach or suggest the subject matter of claim 9, as an example.

The Examiner further states that *Terada* describes that a "jet of pure water is stopped" and that the claimed feature "wherein the controller is configured to shut-off the flow of liquid from the first nozzle to allow the at least a second nozzle to deliver liquid," as recited in claim 11, is an intended use which does not impart patentability to the claimed subject matter. In response, Applicants point out that claim 11 recites "wherein the controller is configured to shut-off the flow of liquid from the first nozzle to allow the at least a second nozzle to deliver liquid to the laser interaction zone by reducing potential interference caused by intersection of streams of liquid from the first nozzle and the at least a second nozzle" and *Terada* diversely discloses that flows from first and second nozzles are emitted at the same time and in the same location to create a pressure difference. For at least this reason, DE 4138468 in view of *Terada* fails to disclose that a flow of liquid from a first nozzle is shut-off to allow delivery of liquid from a second nozzle by reducing potential interference from streams from different nozzles, as

described in claim 11. In direct contrast, *Terada* intentionally causes interference from different streams. As a result, the Examiner has failed to establish that all of the limitations of claim 11, as an example, are disclosed by the cited art, in accordance with MPEP section 2173.5(g). Accordingly, all of the limitations of claim 11, as an example, have not been shown by the Examiner to be disclosed by the cited art. For at least this reason, the rejection of claim 11 should be overturned.

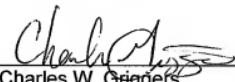
Using similar reasoning, the cited art does not teach or suggest the subject matter of claims 10 and 12-16, in addition to claims 9 and 11.

For the reasons presented herein and the reasons earlier presented in the Appeal Brief, the cited references are deficient in disclosing claimed features, and the arguments set forth in the Appeal Brief still stand.

Conclusion

In summary, it is Applicants' position that Applicants' claims are patentable over the applied cited art references and that the rejection of these claims should be withdrawn. Appellant therefore respectfully requests that the Board of Appeals overturn the Examiner's rejection and allow Applicants' pending claims.

Respectfully submitted,

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